



Docket No.: DURE-312 CIP

I hereby certify that this paper is being deposited with the United States Postal Service  
As first class mail in an envelope addressed to:  
MS AF Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313  
on: 07/21/2009  
Signature: Crystal Susa Printed: Crystal Susa

*[Signature]*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Chen, et al.

Title: SUSTAINED RELEASE DOSAGE FORMS OF ANESTHETICS FOR PAIN  
MANAGEMENT

Serial No.: 10/699,521

Filing Date: 10/31/2003

Examiner: Silverman, Eric E.

Group Art Unit: 1618

---

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated 01/21/2009 of the Examiner's rejection of Claims 1-13, 18-20, 22-53, 57-73, and 122.

Please charge the Appeal Fee of \$40.00 required under 37 CFR 1.17(b) to Deposit Account No. **50-1953**. (A request for an extension of time of 3 (three)-months is attached, giving Applicants until 07/21/2009 to file this Notice of Appeal.) The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **50-1953**.

Respectfully submitted,  
DURECT CORPORATION

*Thomas P. McCracken*  
Thomas P. McCracken  
Reg. No. 38,548

Date: 21 SUM 2009

2 Results Way  
Cupertino, CA 95014  
Phone: (408)777-1417  
Fax: (408)777-3577